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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/995,367	11/27/2001	Robert D.P. Hei	163.1585US01	9026	
23552	09/30/2003		,		
MERCHANT & GOULD PC			EXAMINER		
P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			MEDINA SANABRIA, MARIBEL		
			ART UNIT	PAPER NUMBER	
			1754		

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)					$-$ 0/ $\sim$					
## Deficie Action Summary    Examiner	•	Application No. Applicant(s)								
Marbel Medina   1754		09/995,367		HEI ET AL.						
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions time may be available under the previous of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), in no event, however, may a reply be timely filed and the property of JC RF 1.15(a), and the property of JC RF 1.1	Office Action Summary	Examiner		Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  □ Statusions of time ray by examinate andor the previous of 37 CFR 1.136(a). In no event, however, may a reply be timely filed. □ the period for reply a period above, the machinum statutory priorid will apply with the statutory minimum of thinty (39) days will be considered timely. □ the Depriod for reply a period above, the machinum statutory priorid will apply sent will expire SIX (6) MONTHS from the mailing date of this communication, remaining and the provision of the statutory discovered by the Office at than three months after the mailing date of this communication, even if timely filed, may reduce any sustained patent term adjustment. See 37 CFR 1.764(b).  Status  1) ☑ Responsive to communication(s) filed on 1/1/27/01. 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exp parts Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Clalims  4) ☑ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are objected to. 8) ☑ Claim(s) is/are objected to. 8) ☑ Claim(s)		Maribel Med	ina	1754						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the precisions of 37 CPR 1.35(a). In an event, however, may a reply be timely fied  Extensions of time may be available under the precisions of 37 CPR 1.35(a). In an event, however, may a reply be timely fied  If the period for reply appealed elseve is less than thing (30) days, a reply within the situation principal days of will be considered timely.  If the period for reply appealed elseve is less than thing (30) days, a reply within the situation principal days of the period for reply will, by administence to the considered timely.  If the period for reply appealed elseve is less than thing (30) days, a reply within the situation will be considered timely.  If the period for reply appealed down, the more manual part of the reply will be application to the mainty also define the considered timely.  If the period for reply appealed the set of the considered timely.  If the period for reply appealed down, the period for reply will, by administration the considered timely.  If the period for reply appealed to the considered timely application is extended period for reply will, by administration the considered timely.  If the period for reply appealed to the period for reply will, by administration the considered timely.  If the period for reply appealed to the period for reply days will be applicated to by the Examiner.  Application Papers  If approved, considered to by the Examiner.  If approved, considered to by the Examiner.  If approved, considered to a considered to the foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  A) Alt by and 120  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  A) Copies of the priority documents have been received in Application No.  Copies of the certified copies of the priority documents have been received.  Certified copies of the priority documents have been received in this Na										
Extensions of time may be available under the provision of 37 CFR.1.15(c). In no event, however, may a reply be timely filed after StR, (MoNThS from the mailing date of this commission).      If the period for reply specified done is less than think (30) days, a really within the saturus priminem of think (30) days will be considered timely.      If the period for reply specified done is less than think (30) days, a really within the saturus priminem of think (30) days will be considered timely.      If the period for reply specified done is less than think (30) days, a really will be able with the series of the really of the period for reply wills be stature to become ABANDOMED (34 U.S. C. § 133).      Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patter term eliquisment. See 37 CFR 1.76(a).      Status    Responsive to communication(s) filed on 11/27/01.	A SHORTENED STATUTORY PERIOD FOR REPLY	Y IS SET TO	EXPIRE <u>1</u> MONTH(	S) FROM						
2a)  This action is FINAL. 2b) This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-57 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  7)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to.  8)  Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)	<ul> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>									
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## **DETAILED ACTION**

## **Election/Restrictions**

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-9, drawn to an aqueous peracid treatment composition comprising a
    peracid and a surfactant, classified in class 252, subclass 186.26.
  - II. Claims 10-23, drawn to a process for removing an inorganic soil composition from a surface, classified in class 510, subclass 401.
  - III. Claims 24-57, drawn to a process and odor component from a gaseous effluent, classified in class 423, subclass 210.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not capable of use together, since the process of claim 10 does not require that the aqueous solution contain a peracid composition as required by the composition of claims 1 and 5.
- 3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions. In the instant case the different inventions are not capable of use together, since the process of claims 24 and 43 does not require that the aqueous solution contain a peracid composition as required by the composition of claims 1 and 5.

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- 4. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, since claim 10 is directed to removing an inorganic soil form a surface and claims 24 and 43 are directed to the removal of an odor or soil from a gas.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Groups I, II, and II are different, restriction for examination purposes as indicated is proper.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maribel Medina whose telephone number is (703) 305-1928. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (703) 308-3837. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Maribel Medina

Examiner

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